

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES ERWIN
CLERK

2005 JAN 11 AM 11:34

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LOUIS MERIWEATHER,
Petitioner,

-vs-

Case No.C-1-02-369

(Spiegel,J.;Hogan,M.J.)

James Erwin,
Respondent,

MERRIWEATHER'S TRAVERSE TO
MAGISTRATE'S RECOMMENDATION


Petitioner voluntarily requested that his federal habeas corpus be dismissed,after informing the court that Petitioner had been granted a appeal by the State Appellate Court.Petitioner plans to exhaust his pending state appeal first,before proceeding with his original federal habeas relief.Petitioner believes its' in the best interest of justice and his cause to exhaust his pending state appeal remedies.Therefore,petitioner's requested dismissal of his federal habeas should be dismissed under Fed.R.Civ.P.41(a)(2), without perjudice.This recommendation was received by petitioner through his institutional internal mail system on Jan.6,2005.

Prusuant to 28 U.S.C.§1746,I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Louis Merriweather, #348-451

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the foregoing traverse was forward by fist class U.S.mail per-paid to Jim Petro at 30 E.Broad St.Columbus,Oh.43215-0421 on this 7th day of Jan, 2005.


Louis Merriweather, #348-451
P.O.Box 5500
Chillicothe, Oh.45601-0990